

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re: WIDNER VOLCY))	
<u>Debtor(s)</u>))	CHAPTER 13
AMERICREDIT FINANCIAL SERVICES, INC.))	
dba GM FINANCIAL))	Case No.: 18-11645 (MDC)
<u>Moving Party</u>))	Hearing Date: 8-24-21 at 10:30 AM
v.))	
WIDNER VOLCY))	
<u>Respondent(s)</u>))	
WILLIAM C. MILLER))	
<u>Trustee</u>))	
)	
)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now AmeriCredit Financial Services, Inc. dba GM Financial (“GM Financial”) filing this its Motion For Relief From The Automatic Stay (“Motion”), and in support thereof, would respectfully show:

1. That on March 9, 2018, Widner Volcy filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361 and 362 and 28 U.S.C. 157 and 1334.
3. On November 24, 2013, the Debtor entered into a retail installment contract for the purchase of a 2011 Nissan Rogue bearing vehicle identification number JN8AS5MV5BW315530. The contract was assigned to AmeriCredit Financial Services, Inc. and the Debtor became indebted to AmeriCredit in accordance with the terms of same. AmeriCredit Financial Services is designated as first lien holder on the title to the vehicle and holds a first purchase money security interest in the vehicle. AmeriCredit Financial Services now does business as GM Financial. A true copy of the contract and title inquiry to the vehicle are annexed hereto as Exhibits A and B.

4. As of July 23, 2021, the Debtor's account with GM Financial had a net loan balance of \$13,786.13.

5. According to the July 2021 NADA Official Used Car Guide, the vehicle has a current retail value of \$9,875.00.

6. The vehicle was involved in an accident and deemed a total loss.

7. GM Financial alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that GM Financial lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) The vehicle was involved in an accident and deemed a total loss;

GM Financial requires stay relief in order to negotiate and apply the insurance proceeds.

WHEREFORE PREMISES CONSIDERED, AmeriCredit Financial Services, dba GM Financial respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to GM Financial to permit GM Financial to seek its statutory and other available remedies; (2) that the stay terminate immediately upon entry of this Order, with a waiver of Fed.R.Bank.P., Rule 4001(a)(3) and (3) GM Financial be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

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dba GM Financial